

Entered and Considered

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Patent Application
Docket No. UGR-100XD1
Serial No. 10/828,919

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner : Sue Xu Liu
Art Unit : 1639
Applicants : Michael J. Adang, Laura M. Kasman
Serial No. : 10/828,919
Filed : April 20, 2004
For : Phage Display of a Biologically Active Bacillus thuringiensis Toxin

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

DECLARATION OF MICHAEL J. ADANG, Ph.D. UNDER 37 CFR '1.132

Sir:

I, Michael J. Adang, Ph.D. hereby declare:

THAT my Curriculum Vitae is attached;

THAT I am a co-inventor on the subject application;

THAT I have reviewed the Office Action dated July 25, 2007, and the references cited therein;

And, being thus duly qualified, do further declare as follows:

Regarding the cited Marzari publication, Marzari actually teaches away from our invention. We demonstrated for the first time an active *Cry* toxin (fused with a phage protein) displayed on the surface of the phage. Marzari states on page 30, right column, for example, that

Cloning of a large fragment corresponding to the activated [core] toxin caused slowed bacterial growth, but did not cause lysis unless the bacteria were also infected with a helper phage. We feel that this may arise from the insertion of a functional toxin pore molecule into the cell membrane following phage extrusion. The induction of toxicity is probably responsible for the lack of display observed. [emphasis added]